



University of Hawai'i at Mānoa

Environmental Center

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May 17, 1994
RR:0097

Ms. Muriel Roberts, Chairperson
Environmental Council
220 South King Street, Suite 400
Honolulu, Hawaii 96813

Dear Ms. Roberts:

Amended Exemption List for the County of Maui, 1994

The Environmental Center has reviewed the proposed amended exemption list for the County of Maui with the assistance of Michael Graves, Anthropology and Chris Welch, Environmental Center. In general the exemptions requested seem reasonable and appropriate and are in keeping with the intent of the exemption provisions of HRS 343. We do have a few comments regarding the proposed exemption for the use of herbicides for road maintenance under Class 1, and the proposed exemptions for "Monitoring wells" and Archaeological survey work under Class 5.

Class 1. "Operations repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing".

1. Fertilizing, sprinkling, mowing, weeding, herbiciding, aerating, road clearing and patching, and sweeping of the following agency maintained lands and facilities:
 - a. Parks
 - b. Streets and highways, bikepaths, pedestrian ways, parking lots and appurtenances
 - c. Landscaped areas
 - d. Beach accesses
 - e. Municipal golf courses

The requested exemption for the use of herbicides to maintain agency lands and facilities is inappropriate in view of the potential impacts such use could have on non-target species,

sensitive environments, and non-point source pollution of both surface and groundwaters.

The public concern for the use of herbicides for roadway maintenance was recognized by the 1991 Hawaii State Legislature by the adoption of House Concurrent Resolution 254 HD1 SD1 that created a specific task force to examine the environmental and public health implications of roadside spraying for weed control. An extension of the workings of that task force was granted in 1992 with the final report prepared for the 1993 legislative session. The task force undertook extensive research as to the types of herbicide products being used in the State of Hawaii, the frequency and concentration of their applications, the volumes being applied, and the alternatives available to minimize the use of chemical vegetation controls. It also examined the roadside weed control programs in 11 other states. The results of this extensive and intensive effort were presented in a formal report to the 1993 legislature. The taskforce found numerous examples of inappropriate use of herbicides. For example, streams and drainage ditches that led to waterways were frequently sprayed with chemicals specifically banned for use near surface waters. Paths used by pedestrians and school children had been sprayed without notification. And finally, herbicides had been used (or misused) where they threatened adjacent crop land, natural environments, including rare and endangered species and their habitats, potable ground waters, and public health. On the basis of the results of the task force report, we strongly urge that a blanket exemption from environmental assessment for the use of herbicides be denied.

As an alternative to the requested exemption for the use of herbicides for maintenance under Class 1, we suggest that a vegetation management plan or program be prepared. The proposed implementation of the plan can then be evaluated through the Environmental Assessment process. The plan should cover those areas under jurisdiction by the County of Maui where herbicide use is proposed or anticipated. This will permit site specific review of the various environments that will be subject to herbicide use and will minimize the potential for significant impacts to non-target species or sensitive environments. It will also reduce the possibility of herbicide induced water pollution. In those instances where the proposed use will have minimal impacts, a Negative Declaration will be the likely outcome.

Class 5. Basic Data Collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Planning data collection
2. Field surveying
3. Design alternative analysis
4. Communication/Media Surveys
5. Lysimeters and monitoring wells
6. Evapo-transpiration monitoring

- 7. Rain gauges
- 8. Archaeological survey work

5. Lysimeters and Monitoring Wells. The intent of the requested exemption for "monitoring wells" should be clarified in the exemption list. For example, if the requested exemption is to apply to sampling from existing "monitoring wells" then the exemption seems appropriate. If, on the other hand, the exemption would permit the construction or drilling of new monitoring wells then the exemption is not appropriate. The County of Maui should qualify the intent of the requested exemption and limit its application to sampling, not construction or drilling.

8. Archaeological survey work. Exemption of Archaeological survey work from Environmental Assessment is appropriate as long as the surveys conform to the Historic Preservation Office's proposed "Rules governing minimal standards for archaeological surveys and reports". We understand that these rules define non-intrusive archaeological survey procedures and that they have not yet been adopted but are currently in use by the State Historic Preservation Office. We urge that this requested exemption be limited to non-intrusive archaeological surveys in accordance with procedures recommended by the State Historic Preservation Office.

We appreciate your consideration of these comments and look forward to your response to our suggestions.

Sincerely,



Jacquelin N. Miller
Associate Environmental Coordinator

cc. Michael Graves
Chris Welch